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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   LYNN GEYLA CHAPMAN,

10                  Plaintiff,

11                  v.

12                  NANCY A. BERRYHILL,

13                  Defendant.

14                   CASE NO. C16-1546 BAT

15                   **ORDER STRIKING HEARING AND  
16                   GRANTING VOLUNTARY DISMISSAL  
17                   WITHOUT PREJUDICE**

18                  The Court set a June 14, 2017 hearing to determine why plaintiff's counsel twice missed  
19                  briefing deadlines. Dkt. 17. Plaintiff's counsel now seeks to strike the hearing and to voluntarily  
20                  dismiss this case. Dkt. 18. Counsel states that this voluntary dismissal is requested with  
21                  plaintiff's knowledge, consent, and understanding. *Id.*, at 1. Counsel suggests that the only  
22                  reason he missed the last briefing deadline by thirteen days was because he was "re-review[ing]"  
23                  the case, which was itself filed eight months ago. *Id.*

19                  The Court finds that counsel's excuse for failing to file a brief, to seek an extension of  
20                  time, or to communicate with the court—he did not understand his own case—to be specious and  
21                  unacceptable. Nonetheless, the Court will take at face value counsel's assertion that plaintiff has  
22                  made an informed decision to seek voluntary dismissal of this case. The Court therefore

1 **STRIKES** the hearing scheduled for June 14, 2017, and **GRANTS VOLUNTARY**  
2 **DISMISSAL** of this case without prejudice. *See* Fed. R. Civ. P. 41(a)(2).

3 DATED this 13th day of June, 2017.

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BRIAN A. TSUCHIDA  
United States Magistrate Judge